

REMARKS

Initially, Applicants would like to thank Examiner Collins for discussing this application during a telephone interview on March 31, 2004. Applicants also thank Examiner Collins for indicating the allowability of claim 25, which has been rewritten in independent form to include only the limitations of the claims from which it depended. Thus, claim 25 has not been narrowed in any way by the amendment.

In the pending Office Action, claim 26 is objected to. Applicants have amended claim 26 to change "he" to --the--. Thus, the objection has been overcome and should be withdrawn.

Claims 18-23 and 26-29 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,129,209 to Goddard in view of U.S. Patent No. 6,460,897 to Manuli. As discussed in our March 31, 2004 interview, Applicants assert that Manuli and Goddard are non-analogous art and therefore one skilled in the art would not combine their teachings. Goddard teaches the coupling of pipe for maintaining sealing engagement for management of groundwater, whereas Manuli teaches coupling of pipe for use in cooling or air conditioning systems. The coupling in the pipe system of Manuli is not designed to maintain a sealing engagement in the presence of forces exerted by external groundwater surrounding the sealed coupling. One skilled in the art of designing couplings for corrugated pipe for management of groundwater would not look to the teachings of Manuli. To rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. See MPEP 2141.01(a). Because Goddard's '209 patent and the Manuli reference are non-analogous, the Examiner has not established prima facie obviousness and the rejection should be withdrawn.

Further, even if Goddard's '209 patent and the Manuli reference are analogous art, they fail to establish prima facie obviousness. The Examiner admits that Goddard does not disclose an annular band of reinforcing material disposed around the exterior surface that is in

general alignment with the sealing element. The Examiner asserts that Manuli teaches placing an annular band of reinforcing material around an exterior surface that is in general alignment with a sealing element, and refers to the annular band (25) and sealing element (17) of Figure 4.

However, element 25 of Manuli is a collar that clamps flexible pipe (14) to the coupling element. Manuli discloses other methods of clamping the flexible pipe (14) to the coupling element, for example via "reclaimable connections with shells, casings, and the like." Manuli notes that radial compression exerted on the flexible pipe is also exerted on the sealing ring. However, Manuli's clamping element 25 is not the equivalent of the claimed annular reinforcement, at least because it serves a different purpose than the claimed reinforcement and does not perform the same function as the claimed reinforcement.

The claimed reinforcement resists loss of sealing engagement despite forces exerted on the coupling during use of the pipe. The Examiner asserts that Manuli's annular band helps the sealing element maintain sealing engagement, referring to column 5, lines 1-20 of the Manuli reference. However, lines 1-20 of column 5 assert that it is the resilient recovery of the sealing ring, rather than the clamping collar, that maintains sealing engagement. See column 5, lines 10-17. Indeed, there is no mention at all in the disclosure of Manuli that the clamp in any way maintains sealing engagement. Further, there is no mention of maintaining sealing engagement of the Manuli coupling despite forces exerted on the coupling during use of the pipe. The sole disclosed purpose of Manuli's clamping element is to clamp the flexible pipe (14) to the coupling element. The fact that this causes some radial compression to be exerted on the sealing ring in no way discloses that the clamping element maintains sealing engagement.

Because all of the elements of the claimed invention are not found in the references as combined, the Examiner has not established a prima facie case of obviousness and the rejection of claims 18-23 and 26-29 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 24 is rejected under 35 U.S.C. § 103(a) as unpatentable over Goddard's '209 patent in view of Manuli as applied to claim 22, and further in view of EP595742 to Courant. Because the Examiner did not establish a prima facie case of obviousness with respect to claim 22 for the reasons set forth above, this rejection should be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____


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